

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SHAWN D. TAYLOR

Petitioner,

-v-

**TIMOTHY BRUNSMAN, Warden,
Lebanon Correctional Institution**

Respondent.

Case No. C-3:10-cv-044

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING TAYLOR'S OBJECTIONS (Doc. #12 TO THE MAGISTRATE JUDGE'S SUBSTITUTE REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S SUBSTITUTE REPORT AND RECOMMENDATIONS (Doc. #11) IN ITS ENTIRETY; DISMISSING TAYLOR'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*; DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to pro se Petitioner Shawn D. Taylor's ("Taylor's") Objections to Magistrate Judge Michael R. Merz's Substitute Report and Recommendations. This Substitute Report and Recommendations was substituted by Magistrate Judge Merz for a prior Report and Recommendations (doc. #6) and a prior Supplemental Report and Recommendations (doc. #8).

The Substitute Report and Recommendations was entered on May 11, 2010. (Doc. #11.) On May 21, 2010, Taylor filed objections. (Doc. 12.) The time has run and the Warden has not filed a response. Taylor's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

finds that Taylor's Objections to the Magistrate Judge's Substitute Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Substitute Report and Recommendations is adopted in its entirety.

Taylor's Petition for a Writ of Habeas Corpus is dismissed with prejudice because both of the grounds for relief that he presented are procedurally defaulted. If they were not procedurally defaulted, they would be dismissed on the merits.

Taylor is denied leave to appeal in forma pauperis and any requested certificate of appealability. Finally, The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Tenth day of June, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Shawn D. Taylor at his last address of record